

House Bill 231 (AS PASSED HOUSE AND SENATE)

By: Representatives Jerguson of the 22nd, Powell of the 29th, Williams of the 4th, and Howard of the 121st

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 4 of Title 43 of the Official Code of Georgia Annotated, relating to
2 architects, so as to clarify the scope of practice of registered interior designers; to provide
3 certain definitions; to change certain provisions relating to documents requiring the seal of
4 a registered architect or a registered interior designer; to amend Code Section 50-22-2 of the
5 Official Code of Georgia Annotated, relating to definitions relative to managerial control
6 over acquisition of professional services, so as to correct a cross-reference; to provide an
7 effective date; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Chapter 4 of Title 43 of the Official Code of Georgia Annotated, relating to architects, is
11 amended by revising Code Section 43-4-1, relating to definitions relative to architects, as
12 follows:

13 "43-4-1.

14 As used in this chapter, the term:

15 (1) 'Architect' means an individual technically and legally qualified to engage in the
16 practice of architecture.

17 (2) 'Architectural construction contract administration services' shall include at a
18 minimum the following services:

19 (A) Visiting the construction site on a regular basis to determine that the work is
20 proceeding in accordance with the technical submissions submitted to the building
21 official at the time the building permit was issued; and

22 (B) Processing shop drawings, samples, and other submissions required of the
23 contractor by the terms of construction contract documents.

24 (3) 'Board' means the Georgia State Board of Architects and Interior Designers.

(4) 'Building' means any structure consisting of foundation, floors, walls, columns, girders, beams, and roof or a combination of any of these parts, with or without other parts or appurtenances.

(5) 'Building official' ~~shall mean~~ means the person appointed by the county, municipality, or other political subdivision of the state having responsibility for the issuance of building permits and the administration and enforcement of the Georgia State Minimum Construction Codes, or a state fire marshal where there is not such local official.

(6) 'Building shell' means a building framework, perimeter and exterior walls, the building core and columns, and other structural, mechanical, and load-bearing elements of the building.

(7) 'Building shell system' means a mechanical, plumbing, fire protection, electrical, structural, or motorized vertical transportation system designed for or located within a building shell.

(8) 'Interior construction document' means detailed drawings and specifications sealed and signed by a registered interior designer certifying compliance with applicable current building codes, ordinances, laws, and regulations that define the work to be constructed in such form as is required for approval of a construction permit by a building official or fire marshal. Such document may be combined with documents prepared under the responsible control, seal, and signature of other registered or licensed professionals.

(9)(A) 'Interior design' means the rendering of or the offering to render designs, consultations, studies, planning, drawings, specifications, contract documents, or other technical submissions and the administration of interior construction and contracts relating to nonstructural interior construction of a building by a registered interior designer. Such term includes:

(i) Space planning, finishes, furnishings, and the design for fabrication of nonstructural interior construction within interior spaces of buildings;

(ii) Responsibility for life safety design of proposed or modification of existing nonstructural and nonengineered elements of construction such as partitions, doors, stairways, and paths of egress connecting to exits or exit ways; and

(iii) Modification of existing building construction so as to alter the number of persons for which the egress systems of the building are designed.

(B) Registered interior designers shall collaborate and coordinate their work with registered architects or engineers for work that is excluded by this definition, including without limitation:

(i) The design of or responsibility for the building shell or any building shell systems;
or

(ii) Construction which materially affects building life safety systems pertaining to fire safety protection such as fire-rated vertical shafts in multistory structures and fire-rated protection of structural elements with the exception of incidental restoration of fire protection to elements impacted by nonstructural elements of construction, smoke evacuation, emergency sprinkler systems, and emergency alarm systems.

(10) 'Nonstructural interior construction' means the construction of elements which do not include a load-bearing wall, a load-bearing column, or other load-bearing elements of a building essential to the structural integrity of the building.

(11) 'Practice of architecture' means the rendering of or offer to render the following services in connection with the design, construction, enlargement, or alteration of a building or group of buildings and the space within and surrounding such buildings, which may have human occupancy or habitation: planning; providing preliminary studies, designs, drawings, specifications, and other technical submissions; the architectural administering of construction contracts; and coordinating elements of technical submissions prepared by others including, as appropriate and without limitation, consulting engineers, registered interior designers, and landscape architects. As part of the practice of architecture, a registered architect may perform such engineering work as is incidental to his or her work. Nothing in this paragraph shall be construed to prohibit a licensed engineer from coordinating technical submittals related to the practice of engineering. Nothing in this paragraph shall be construed to prohibit a registered interior designer from coordinating submittals related to the practice of interior design.

~~(9)~~(12) 'Registration' means the certificate of registration issued by the board.

~~(7)~~(13) 'Registered architect' means a person who is technically and legally qualified and currently registered with the board to practice architecture in the State of Georgia.

~~(8)~~(14) 'Registered interior designer' means a person who is registered under Article 2 of this chapter as being qualified by education, experience, and examination to use the title 'registered interior designer' in the State of Georgia and as further defined in Code Section 43-4-30. Nothing in this paragraph or in this article shall be construed as prohibiting or restricting the practice or activities of an interior decorator or individual offering interior decorating services, including, but not limited to, selection of surface materials, window treatments, wall coverings, paints, floor coverings, and lighting fixtures.

~~(10)~~(15) 'Responsible control' means the amount of control over and detailed knowledge of the content of technical submissions during their preparation as is ordinarily exercised by registered architects or licensed professionals applying the required professional standard of care, as defined by rules and regulations adopted by the board respective boards governing such professionals.

~~(11)~~(16) 'Technical submissions' means designs, drawings, specifications, studies, and other technical reports prepared or reviewed in the course of ~~practicing architecture~~ professional practice."

SECTION 2.

Said chapter is further amended by revising subsections (a) and (b) of Code Section 43-4-14, relating to the practice of architecture, qualifications and registration, and exempt structures and persons, as follows:

"(a) In order to safeguard health, safety, and welfare, no person shall be allowed to practice architecture unless he or she has the qualifications and competency required by this article. Any person who is practicing architecture as defined in paragraph ~~(6)~~(11) of Code Section 43-4-1 shall be required to register under this article and to secure all renewals of such registration before beginning or continuing to practice architecture.

(b) ~~The~~ Construction documents for the following structures do not require the seal of a registered architect:

(1) One and two-family residences and domestic outbuildings regardless of cost;

(2) Any building classified as an agricultural occupancy upon any farm for the use of any farmer; any state owned farmer's market;

(3) Any building which is a single story building, not exceeding more than 5,000 square feet in area, except new or existing assembly occupancies, educational occupancies, health care occupancies, correctional or detention facilities, hotels, dormitories or lodging facilities, multifamily housing or apartment complexes, and care facilities;

(4) Preengineered buildings that are one story in height, except new or existing assembly occupancies, educational occupancies, health care occupancies, correctional or detention facilities, hotels, dormitories or lodging facilities, multifamily housing or apartment complexes, care facilities, and facilities classified as high hazard; provided, however, that the services of a duly registered architect shall be required for the design of any business or mercantile occupancies that exceed 5,000 square feet in area that are incidental to the operation in such building; and

(5) ~~Nonload-bearing~~ Nonstructural interior construction ~~in~~ within existing or planned ~~office~~ structures which were designed by a registered architect, where drawings and specifications are prepared by a ~~Georgia~~ registered interior designer who ~~also~~ by sealing and signing such interior construction documents submits to the responsible building official ~~a notarized and signed statement on letterhead from a person in a position of authority within the interior design firm certifying~~ certification that the plans and specifications as submitted are in ~~full~~ compliance with the applicable current building codes and regulations in effect."

SECTION 3.

Said chapter is further amended by revising Code Section 43-4-30, relating to the definition of registered interior designer, as follows:

"43-4-30.

As used in this article, the term 'registered interior designer' means a person registered under this article as being qualified by education, experience, and examination to use the title 'registered interior designer.' In general, an interior designer performs services including preparation of documents relative to ~~nonload-bearing~~ nonstructural interior construction, furnishings, finishes, fixtures, and equipment."

SECTION 4.

Said chapter is further amended by revising Code Section 43-4-33, relating to the form of certificate of registration and seal, as follows:

"43-4-33.

(a) The board shall prescribe the form of a certificate of registration as a registered interior designer issued pursuant to the provisions of this article. ~~The certificate shall have placed thereon the seal of the State Board of Architects.~~

(b) A registered interior designer shall ~~not~~ be authorized to have a ~~separate~~ seal and ~~separate from the seal of the State Board of Architects~~ registered architects. The seal of a registered interior designer shall ~~not~~ be applied to drawings or other documents prepared by or under the responsible control of the registered interior ~~designers~~ designer, provided that the foregoing shall not prohibit any registered architect who has reviewed or supervised the preparation of drawings or other documents prepared by a registered interior designer from applying his or her seal to such drawings or other documents."

SECTION 5.

Code Section 50-22-2 of the Official Code of Georgia Annotated, relating to definitions relative to managerial control over acquisition of professional services, is amended by revising subparagraph (A) of paragraph (4) as follows:

"(A) The practice of architecture, as defined in paragraph ~~(6)~~(11) of Code Section 43-4-1;"

SECTION 6.

This Act shall become effective upon its approval by the Governor or by its becoming law without such approval.

167

SECTION 7.

168

All laws and parts of laws in conflict with this Act are repealed.